

MINUTES OF REGULAR MEETING OF
THE BOARD OF ZONING APPEALS
CITY OF FAIRFAX
CITY HALL, FAIRFAX, VIRGINIA
February 03, 2015

Members Present: John O'Brien Clarke Jr., Chairman
Ellen Brouwer, Vice-Chairman
Ed Calabria
Robert Matthews
Gary Perryman

Staff Present: Michelle Coleman, Zoning Administrator,
Lisa Feibelman, Deputy Zoning Administrator
Carolina Garcia, Secretary

1. Call to Order: Chairman Clarke called the meeting to order.

2. Opening of the Public Hearing: Chairman Clarke opened the public hearing at 7:00 p.m. and explained the procedure for the meeting.

3. Adoption of Agenda: Approved, 5:0

4. SE-14120122

Request of Joel Sheppard, owner, pursuant to City Code Sections 110-518 and 110-369, for a special exception to City Code Section 110-517(4) to allow reduction of a nonconforming front yard setback from 24.6 feet from the front property line to 16.3 feet (where a 25-foot-wide setback is required) to permit construction of a covered porch and stairs in the R-3 Residential District on the property located at 3806 Tedrich Boulevard and more particularly described as Tax Map Parcel 57-2-((11))-073.

Lisa Feibelman, Deputy Zoning Administrator, presented the staff report which is incorporated into the record by reference, and concluded with staff's recommendation to approve the special exception request to remove the existing nonconforming setback, and staff's recommendation to deny the special exception request to allow further reduction of the setback for construction of the proposed stairs for the porch.

Mr. Clarke asked for clarification of attachments 1 and 7 in the staff report and the administrative relief available to allow the proposed stairs.

Mr. Perryman asked for clarification on whether the concrete slab was considered as a step and commented on other options for design of the porch and stairs. Michelle Coleman, Zoning Administrator, clarified the at-grade slab was not considered a step and

that the current proposal was not consistent with the design of the building permit previously approved for the porch.

Ms. Brouwer asked about the driveway capacity for one or two vehicles, and Ms. Coleman responded with review of the driveway dimensions shown on the plat.

Chairman Clarke asked for the applicant's comments.

Joel Sheppard, applicant and homeowner of 3806 Tedrich Blvd., provided an explanation of the front façade of the house prior to any improvement and the background on the decision to construct the porch without following the building permit as previously approved. Mr. Sheppard also explained the tree in the front yard would not be affected by the proposal.

Ms. Brouwer asked for clarification on the location of the stairs and the width of the driveway. Mr. Sheppard responded that the stairs were more attractive to the front of the porch and more similar to other porch designs in the neighborhood. Mr. Sheppard also explained the stairs would extend too far into the driveway if moved to the side of the porch because the porch had been enlarged across the front of the house and is now larger than the design of the approved building permit.

Mr. Perryman asked if a sidewalk would be included and Mr. Sheppard said yes and it would lead to the driveway.

Chairman Clarke asked if anyone was in opposition or in favor of the application.

Patricia Contana at 3809 Tedrich Boulevard expressed that the renovation is attractive and revitalizes the neighborhood. She stated there are many homes in the area that are dilapidated, and the porch is outstanding.

Pat Beary, located at 3804 Tedrich Boulevard stated that the addition was nicely constructed and that the home owners left plenty of space by the tree.

John Geise located at 3805 Tedrich Boulevard expressed concern in regards to the homeowner's monetary situation because he is a federal employee.

Steve Skopowski at 3908 Tedrich Boulevard located at 3808 Tedrich Blvd was in agreement with the other neighbors who spoke and encouraged approval.

Mr. Sheppard further commented that his house is not as far from the right-of-way line as his neighbor's properties.

Discussion

Mr. Calabria commented on his observations of other properties in the neighborhood and his understanding of how the stairs could be incorporated into the design of the porch from either the side or the front of the porch.

Mr. Matthews commented on his agreement with the request due to minimal impact.

Mr. Perryman spoke on the need to follow the Code and that staff does not support the request and that there are other designs that would incorporate the stairs in compliance with the setback regulations.

Mr. Clarke commented on his concurrence that while the proposed porch and stair design was attractive it could not be built in compliance with the Code.

Chairman Clarke called for a motion on the special exception to remove the nonconforming setback for the principal structure.

Ms. Brouwer made the motion.

Mr. Calabria seconded.

Motion passed, 4-0. Mr. Perryman abstained.

Chairman Clarke called for a motion on the special exception to allow reduction of the front setback for construction of the proposed stairs.

Mr. Perryman made the motion to deny as recommended by staff.

Chairman Clarke spoke to a point of order that the staff's recommendation for denial with conditions was unenforceable, that conditions are not applicable for a denial and need not carry with the motion.

Ms. Brouwer seconded the motion to deny the special exception request to reduce the front setback for construction of the proposed stairs.

5. Consideration of November 4, 2014 Meeting Minutes

Due to staff constraints, the meeting minutes are not available for approval tonight. The board deferred approval of the November 2014 meeting minutes to the next regular scheduled meeting date.

6. Election of Chairperson, Vice Chairperson, and Secretary

Clarke Chair

Perryman, motion; Calabria seconded; unanimous

7. Staff Comments – General Discussion

8. Board Comments - General Discussion

9. Adjournment - Meeting adjourned (8:50)

ATTEST:

Annie Feeherry

Annie Feeherry, Secretary